

APPEAL NO. 021499
FILED JULY 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 16, 2002. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on April 18, 1997, with an impairment rating (IR) of 10%, as certified by the Texas Workers' Compensation Commission (Commission)-appointed designated doctor. The claimant appeals the determinations on sufficiency grounds. The respondent (self-insured) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant reached MMI on April 18, 1997, with a 10% IR. The claimant asserts that the designated doctor's certification is contrary to the great weight of the other medical evidence and requests the adoption of her treating doctor's MMI certification and an additional IR for neurological impairment. Section 408.125(e) provides that the report of the designated doctor chosen by the Commission is given presumptive weight and the Commission shall base its determination on that report unless the great weight of the medical evidence is to the contrary. We view the treating doctor's MMI certification and the medical evidence of a neurological impairment as representing a difference in medical opinion, which does not rise to the level of the great weight of medical evidence contrary to the designated doctor's report. In view of the evidence presented, we cannot conclude that the hearing officer's MMI/IR determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the self-insured is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**R AND B, JE
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L.S. Barnes
Appeals Judge

Michael B. McShane
Appeals Judge